

**DENTAL BOARD OF CALIFORNIA**

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Westin Bonaventure
404 S. Figueroa Street, Los Angeles, CA

May 5, 2005
Board Meeting Minutes

The meeting convened at 9:13 am. Roll was taken and a quorum established.

Members Present:

Newton Gordon, DDS
George SooHoo, DDS
La Donna Drury-Klein, RDA
Kevin Biggers, Public
Lawrence Hundley, DDS
Alan Kaye, DDS
Patricia Osuna, RDH
Kamran Sahabi, DDS
Chester Yokoyama, DDS

Members Absent:

David Baron, Public
Brandon Hernandez, Public

Agenda Item 1 - Approval of Minutes:

It was m/s/c (Kaye/Hundley) to approve the minutes of the March 10, 2005 meeting with the following amendment:

Legislative Committee Report, Agenda Item 10, page 4 of the minutes – Minutes incorrectly state a January meeting position of opposition to AB 1334; that bill had not yet been introduced. The minutes were corrected to reflect that the Board voted to not support the recommendation of the Dental Hygiene Prescription Committee Report.

Agenda Item 2 - President's Report:

Board President, Dr. Newton Gordon, administered an Oath of Office to Interim Executive Officer, Mrs. Georgetta Coleman-Griffith.

Dr. Gordon addressed the issue of the differences between the American Association of Dental Examiners and the American Dental Association. "There is controversy between the two groups and we are hoping that they will get to the level where there are handshakes between them and will move on with the national examination process."

On the issue of general anesthesia and conscious sedation, the board pursued an increase in the onsite inspection and evaluation fee, from \$250 to \$350 and it was denied. An alternative is to offer continuing education credits to those Evaluators taking time out of their schedules to do on-site inspections.

Dr. Gordon attended a meeting of the deans and the California Dental Association's Executives on April 1, 2005. This was the first time the president of the Dental Board has been invited. His impression is that there is a disconnect between the Board and mainly the deans. He said one of the things that came out of the meeting that he tried to correct, was the perception that the Board is in opposition to the Western Regional Examining Board as an alternative to the California boards. Some of the deans expressed that the Board was slowing down the process of implementation. He said that impression has come out of a lack of understanding by the deans, of the law and what is required to implement it. He said another issue was "handshake agreements" which have gone on between past boards and deans. He said there was agreement that these need to be policy not informal agreements. Dr. Gordon said he expressed concern to the group in strong terms, for the fact that there are students who graduate from the dental program who are not competent and there needs to be a doorkeeper to assure we are not putting incompetent dentists into the market place.

He reported sending a letter to the schools, as directed by the Board, on the pass rates for the various schools. He said the feedback was that the deans did not like the report.

Dr. Gordon noted that member of the Board and former Board President Alan Kaye, has been appointed to the Board of Directors of the American Dental Society of Anesthesiology .

Agenda Item 3 – Interim Executive Officer's Report:

Mrs. Georgetta Coleman-Griffith provided the board with an update on the Dental Loan Program, reporting that applications are available and will be accepted through July 15th of this year. It is hoped that monies will begin to be awarded in September. She reported on recent staff changes.

Agenda Item 4 – Budget Report

The report with expenditures and projections, as of March 2005 was provided as information only. After much discussion on the fund condition of the Board, Dr. SooHoo asked if there was any possibility that an additional RT exam could be scheduled this calendar year. Mrs. Coleman-Griffith said that might be a possibility and can be discussed.

Dr. Terlet asked where the board is with regard to Computer Based Testing (CBT). Mrs. Coleman-Griffith said there was funding in our Budget Change Proposals for the Applicant Tracking System (ATS), which is a part of CBT, and said she would look into it.

Agenda Item 5 – Board Action Items from March 2005

Due to the lack of a quorum, the following items were not voted on by the full board at the March 10, 2005 meeting:

Examination Committee Item 9.2 – Discussion on Use of Minor Patients for Exams

Legal Counsel Lavonne Powell reviewed the discussion of this item from the March meeting. There was some further discussion and Dr. Paul Reggiardo said the Board of the California Society of Pediatric Dentistry discussed this proposal and while they want to encourage the Board to move away from live patient exams, they consider this to be an improvement. It was m/s/c (Osuna/Klein) to establish a policy that minor patients used in the exam must be a minimum of 15 years of age with permanent dentition and there must be the presence of a legal guardian at all times during the exam. The definition of "legal guardian" was briefly discussed.

Examination Committee Item 9.4 – Western Regional Examination Board Regulation

It was m/s/c (Klein/Osuna) to accept the recommendation of the Examination Committee from the March meeting, to approve the regulations and set them for regulatory hearing. Kathy Mudge, representing CDA said they ask that the Board not place a restriction on when the dental law and ethics exam can be taken. Those who will take the WREB should be allowed to take the law and ethics exam before they take the WREB if they so choose. After further discussion of space, logistics, and resources for the exam, Mrs. Coleman-Griffith said the keys are applicant tracking, to allow monitoring someone in the process as they come through various pathways and computer based testing which would allow candidates to take the exam at sites of their choice.

Agenda Item 6 – COMDA Report

6.1 – Approval of RDA Educational Programs and Radiation Safety Courses

It was m/s/c (Klein/Osuna) to approve the RDA educational program of California College of Vocational Careers, Bakersfield.

It was m/s/c (Osuna/Biggers) to approve the coronal polishing course and the radiation safety course of Summit Career College, Colton.

It was m/s/c (Osuna/Klein) to approve the RDA Pit and Fissure Sealant Courses at UC San Francisco contingent upon the effective date of CCR Section 1070.3.

6.2 – Implementation of SB 1546 – Dental Assisting Scope of Practice

- Clean up legislation – After much discussion, it was m/s/c (Osuna/Klein) to approve the proposed statutory amendments, in concept. LaVonne Powell strongly recommends that in the clean-up legislation, there be an emergency regulation provision, which still allows public comment and in input, but shortens the approval process. Mr. Carralon, CDA, commented there is no need to put an emergency provision in the statute because the Board has authority to request from OAL the ability to do emergency regulations. He said CDA would have no problem with emergency regulations if they can reach agreement on the entire implementation of SB 1546, without that agreement they will have serious concerns with emergency regulations. Legal counsel reiterated the importance of having an emergency provision in the statute.

Karen Wyant, Executive Officer of COMDA clarified that the agreements expressed in the statutory change proposals are between CDA and the Dental Assisting Alliance with input from staff, acting at the behest of the legislature to come up with scopes of practice.

- Approval of New Regulations for the courses for registered orthodontic assistants registered surgery assistants, and registered restorative assistants - it was m/s/c (Osuna/Biggers) to approve the package of three and set for hearing in August, with changes that will be made to comply to OAL standards.

Before the vote was called there was much discussion with public input by the following: Mr. Edmond Carollon and Kathy Mudge, CDA; Dr. Ken Fischer, President, California Association of Orthodontists; Dr. Bruce Witcher, California Association of Oral and Maxillofacial Surgeons; Barbara Blade, Dental Assisting Alliance; and Dr. Mike Payne, practitioner. Comments were mainly on alternative pathways and all requested a November hearing instead of August. Ms. Drury-Klein reiterated that alternative pathways are not the topic of discussion, discussion is on the content of education. She encouraged the representatives to work with the principal parties on the pathways.

There was also some discussion about testing of skills versus educational program certification.

- Proposed Changes to Title 16 CCR Section 1017 – Units Required for Renewal of License – It was m/s/c (Osuna/Klein) to approve the recommended changes and set for hearing.

- Proposed Changes to Title 16 CCR Section 1071 and 1071.1 – Approval of RDAEF Educational Programs – It was m/s/c (Osuna/Biggers) to approve the recommended changes after modification to comply with OAL standards and set for hearing in August.

Karen Wyant updated the Board on the implementation plan for 1546, saying there would be many issues to be addressed and regulatory changes to conform existing regulations with 1546.

Agenda Item 7 – Diversion Evaluation Committee Liaison Report

7.1 – Appointment of Diversion Evaluation Committee Members

It was m/s/c (Osuna/Hundley) to approve Steve Leighty, DDS and Carrie Jaffe, Ph.D. as new evaluation committee members.

7.2 – Quarterly Statistics

The 1st Quarter 2005 Statistics were provided as information only. Mr. Drury-Klein said due to a lessening number of participants, she will be working with staff to consider merging the Committees now designated as North and South, into one.

Agenda Item 8 – Legislative Committee Report

8.1 Committee Chair, Dr. Alan Kaye reported on the following legislation.

- SB 248 – Board Sunset Bill (Yokoyama/SooHoo) - Support
- SB 299 – Licensure by Credential (Klein/SooHoo) - Support with amendments. This was a change in position and Dr. Kaye moved to accept the new position/motion carried.
- SB 438 – Oral and Maxillofacial Surgery (Kaye/SooHoo) - Maintain previous Support
- SB 683 – Post Graduate Year Licensure (SooHoo/Yokoyama) - Maintain previous Oppose Unless Amended
- AB 205 – Denture Identification (SooHoo/Baron) - Maintain previous Oppose
- AB 319 – Children’s products (Yokoyama/Baron) - Maintain previous Watch
- AB 929 – Radiology Technology (SooHoo/Yokoyama) - Maintain previous Watch
- AB 1077 – Dental Exams for School Children (SooHoo/Baron) - Maintain previous Support
- AB 1143 – Special Permits (SooHoo/Klein) - Changed to Support if amended; Dr. Kaye moved to accept/motion carried.
- AB 1268 – Advertising (Kaye/Baron) - Maintain previous Watch
- AB 1334 – RDHAP Scope of Practice (Klein/Osuna) - Changed to Support with amendment to allow RDHAP to do all the duties of an RDH under the same supervision level. Dr. Kaye moved to accept the new position. Commenting and urging opposition were Dr. Jean Morehead, Dr. Ariane Terlet, and Mr. Edmond Carralon. Joanne Galliano spoke in support. After discussion, the motion to support if Amended carried with two abstaining.
- AB 1386 – Oral Conscious Sedation (Yokoyama/SooHoo) - Maintain Support/Co-sponsor

Dr. Kaye recommended the Board accept the report; motion carried.

8.2 Reconsideration of Support Position on AB 966 – Dental Amalgam - In Committee, This bill was deferred to the Board in light of new information received the night before the

Committee met. Mr. DeCuir said there have been major changes since the bill was first introduced. Kathy Mudge, CDA spoke at length in opposition to the bill based on CDA's position that this bill is unnecessary and for some practices, could place a financial burden on the dentist. It was m/s/c (SooHoo/Osuna) to Oppose.

8.3 Other Bills of Interest to the Board - None were identified.

8.4 The following regulation update provided to the Committee as information only, was accepted by the Board, after correcting 1043.2 to reflect that it is a regulation not a bill, and to clarify that for Section 1064, the board voted to not adopt the language.

- 1) Section 1005 – Infection Control Guidelines – Approved and effective on April 1, 2005.
- 2) Section 1041 – Restorative Technique Examination – With the Department.
- 3) Section 1043.2 – Composition of GA/CS onsite inspection teams. Disapproved by the Department and not resubmitted to OAL.
- 4) Section 1070.3 – Pit and Fissure Sealant approved courses. Approved and effective on or about June 1, 2005.
- 5) Section 1070.4 – Approval of Coronal Polishing courses (COMDA). With DCA legal for review.
- 6) Section 1070.5 – Approval of Ultrasonic Scaling courses (COMDA) same as 1070.4.
- 7) Section 1070.6 & 1070.7 – Teaching Methodologies (COMDA). Will be submitted to DCA legal for review.
- 8) Section 1014 – Radiation Safety approved courses (COMDA). Not submitted to the Department yet.
- 9) Section 1021 – Increase of fees for Conscious Sedation Permit – OAL disapproved and this regulatory package has died.
- 10) Section 1016 & 1017 – Continuing Education – Being modified.
- 11) Section 1043 – General Anesthesia and Conscious Sedation – See Agenda Item 12.
- 12) Section 1028 – Western Regional Board Regulations – See Agenda Item 5
- 13) Section 1044 – Oral Conscious Sedation (for minor patients) – Being filed with OAL.
- 14) Section 1064 – Acupuncture Regulation – Board voted to not adopt the amendment to this regulation.

Agenda Item 9 – Licensing Committee Report

Committee Chair, LaDonna Drury-Klein reported on the following actions:

- 9.1 The minutes of the March 10, 2005 committee meeting were approved as written.
- 9.2 It was m/c to approve the following Extramural Facilities:

LLU School of Dentistry

Riverside Oral and Maxillofacial Surgery
3763 Tibbetts Street, Riverside

UCSF School of Dentistry

Asian Health Services, Inc.
345 9th Street, Ste 302, Oakland

La Clinica de la Raza
3050 E. 16th Street, Oakland

Del Norte Clinics, Inc.
680 Cohasset Road, Chico

Mountain Valley Health Center
554 – 850 Medical Center Drive, Bieber

Fruitvale Dental Center
3340 International Blvd., Oakland

Native American Health Centers
160 Capp Street, San Francisco
3124 International Blvd, Oakland

9.3 Licensure by Credential statistics were presented as informational.

There were no closed session items for consideration.
It was m/c to accept the report as presented.

Agenda Item 10 – Foreign Dental School Ad Hoc Committee Report

Committee Chair, Dr. George SooHoo reported on the following actions:

- 10.1 The minutes of the March 10, 2005 committee meeting were approved as written.
- 10.2 Approval of Onsite and TAG Teams for Manipal, India – The following individuals were appointed:
 - Onsite Team: Dr. N. Gehani, Dr. Eugene Sekiguchi, Dr. Devan Gandhi, Dr. George SooHoo and Dr. Kamran Sahabi
 - TAG Team: Dr. Ron Mito, Dr. Nan Mulligan, Dr. Michael Mulvehill and Dr. Charles Warkomski.
- 10.3 Update on Manipal, India Trip – The Onsite Team is scheduled to go to India August 6-14, 2005.

It was m/c (Osuna/Klein) to accept the report as presented.

Agenda Item 11 – Continuing Education Committee Report

Committee Chair, La Donna Drury-Klein reported a quorum took the following actions:

- 11.1 The minutes of the November 4, 2004 meeting were approved as written.
- 11.2 Proposal to Allow CE for GA/CS On-site Evaluation – After much discussion and some input from Dr. Kaye, this item was tabled until August. Staff will be asked to provide a list of all evaluators that would be affected and CALAOMS will be encouraged to issue CE credits; 6 credits were suggested. The CE Committee will meet before the August meeting and will discuss the issue further. CALAOMS will be asked to address the Committee.
- 11.3 Consideration of Mandatory CE Course on Dental Professionals Against Violence (DPAV) After hearing from an expert, Dr. Kathleen Hogan, the Committee recommends the Board consider mandatory CE and will make specific recommendations at the August meeting.
- 11.4 Discussion on CE Audits – this item was tabled until the August board meeting.

Concerning item 11.3, Dr. Terlet asked what authority the Board has over the curriculum of the dental schools and dental hygiene programs and would like to see this as part of the schools' curriculum. She also suggested this be covered in the Board's jurisprudence exam.

Kathy Mudge said that as expressed in the meeting yesterday, CDA opposes placing a class like this as a mandatory CE requirement and believe historically, mandatory courses have been limited to areas of

significant deficiency. CDA, while they take the issue very seriously she said, oppose mandatory courses.

Ms. Drury-Klein said the Committee will ask for input from CDA and will discuss alternate pathways to bring the issue forward.

It was m/c to accept the report as submitted.

Agenda Item 12 – General Anesthesia Committee Report

Committee Chair, Dr. Alan Kaye reported on the following actions:

- 12.1 The minutes of the November 4, 2004 meeting were approved after correction to remove the reference to “Dr.” for Alan Mangels, Attorney General Liaison.
- 12.2 Approval of Modified Language to CCR § 1043 – GA/CS – Lavonne Powell read the proposed language for § 1043(b):

“For purposes of this article, “outpatient” means a patient treated in a facility which is not accredited by the Joint Commission on Health Care Organizations **or licensed by the California Department of Health Services as a “general acute care hospital” as defined in subdivision (a) of Section 1250 of the Health & Safety Code.**”

The Committee recommends the Board adopt the language, with a 15-day notice and the direct the Executive Officer to forward the Final Statement of Reasons if there is no negative comment.

It was m/c to approve the report as presented.

Agenda Item 13 – Examination Committee Report

Committee Chair, Dr. George SooHoo reported a quorum took the following actions:

- 13.1 The minutes of the March 10, 2005 meeting were approved as written.
- 13.2 Dr. George SooHoo provided an update on the following issues:
 - Occupational Analysis
 - Meeting with the Deans and CDA on the CIF Format
 - Recruitment of Examiners via CDA Journal
 - Budget for the Calibration of Examiners
 - AADE Meeting
- 13.3 Appointment of New Dental Examiner – The application of Dr. Bonnie Morehead was tabled due to an incomplete application.
- 13.4 Appointment of RDA and RDH Examiners – It was m/s/c to approve Susan Porrazzo of Redding and Diane Walters of Moreno Valley as new RDA Examiners and Heather McDonald of Fallbrook as a new RDH Examiner.
- 13.5 Dr. Gordon discussed letter from ADEX requesting support.
- 13.6 Auxiliary Examination Statistics, information only, were reviewed by the Committee.
- 13.7 Dental Examination Statistics information only, were reviewed by the Committee.
- 13.8 Discussion on Contracting out the RT Exam – this discussion was tabled until a later date.
- 13.9 Discussion on Format for Publicizing Examination Results
- 13.10 Discussion on Infection Control for Exams – this item was tabled.
- 13.11 Exam Grading Ad-hoc Committee Interim Report – Drs. Hundley and Sahabi gave a report to

the committee on the calibration and grading process.

Dr. Sahabi expressed how impressed he was with the USC exam he attended. He feels very satisfied that the dentists we license are very competent. It was m/c to accept the report as presented.

Agenda Item 14 – Exam Appeals Committee

Committee Chair Dr. Lawrence Hundley reported all members were present and took the following action:

Clinical Exam Candidate

91 – denied

102 – denied

1078 – denied

It was m/c to accept the report as presented.

RT Exam Candidate

1266 – granted retake at no fee

Agenda Item 15 – Search for New Executive Officer

Dr. Gordon outlined the process for selecting a new executive officer. He said a committee of two will screen all applications and a committee of two will conduct the interviews. He said Personnel and staff will work with those two committees to come up with a candidate and reminded the board that the final candidate will have to be approved by the Department. He has set a goal of four months to fill the position. Dr. Gordon said he has selected Dr. Kaye, Dr. SooHoo and Ms. Drury-Klein. He asked for the suggestion of a fourth person; Ms. Osuna was suggested and will also serve in the search.

Public Comment

Dr. Bruce Witcher, said he and other specialists - endo, perio and oral surgery - have noticed an emerging trend of dental practices to offer the convenience of specialty treatment provided by non-specialists, within the practice of a general dentist. He said while they do not question the right of non-specialists to perform specialty procedures so long as they meet standard of care, they do feel patients have the right to know the qualifications of the dentist who is treating them. He requested the board look into the matter and if necessary, require that a dentist performing specialty procedures in a practice other than his or her own, announce their qualifications to patients they are treating in that practice.

In response to questions from Dr. Joel Berick, Dr. SooHoo provided the following information on ADEX. He said the ADEX is a national exam with differences in content, scoring, and in calibration because it is a different exam, but particularly different in content. He said a goal of the Board is for a student to take only one examination and yet meet all the participating states' requirements. He said it is a goal of the educators as well. He has no specific timeline, but said when he has stakeholder support he plans to propose a bill to get a funded audit of the ADEX exam.

The Board adjourned and moved into Closed Session at 12:45 p.m.